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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/960,396

09/24/2001

Stephen McCann

3036/50289

5628

7590 05/02/2007  
Crowell & Moring L.L.P.  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

EXAMINER
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WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/960,396	Applicant(s) MCCANN ET AL.	
	Examiner Jeffery Williams	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-9, 11-15, 22 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

This action is in response to the communication filed on 2/1/2007.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1 – 9, 21, drawn to a system requiring device-specific access accounts and the encoding of an authentication credentials, classified in class 380, subclass 28 and class 726, subclass 9.

II. Claims 11 – 15 and 22, drawn to a method of accessing a network, the establishment of W-LAN accounts by network access entities, and billing user-specific accounts for network access, classified in class 726, subclass 17 and class 705, subclass 30.

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as it utilizes network entities to create W-LAN accounts and bills user-specific accounts so a user can access a network. Subcombination I has separate utility such as for

1 encoding authentication credentials and employing a device-specific access account to  
2 access a network. See MPEP § 806.05(d).

3 The examiner has required restriction between subcombinations usable together.  
4 Where applicant elects a subcombination and claims thereto are subsequently found  
5 allowable, any claim(s) depending from or otherwise requiring all the limitations of the  
6 allowable subcombination will be examined for patentability in accordance with 37 CFR  
7 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a  
8 continuation or divisional application is anticipated by, or includes all the limitations of, a  
9 claim that is allowable in the present application, such claim may be subject to  
10 provisional statutory and/or nonstatutory double patenting rejections over the claims of  
11 the instant application.

12 Because these inventions are independent or distinct for the reasons given  
13 above and there would be a serious burden on the examiner if restriction is not required  
14 because the inventions have acquired a separate status in the art in view of their  
15 different classification, restriction for examination purposes as indicated is proper.

16  
17 Any inquiry concerning this communication or earlier communications from the  
18 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-  
19 7965. The examiner can normally be reached on 8:30-5:00.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
21 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Williams

AU: 2137

*JW*

*E. L. Moise*  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER